

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6838 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
Nos. 1 to 5 No.

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HARISHCHANDRASINHJI

RANJITSINHJI RANA

Versus

STATE OF GUJARAT

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Appearance:

MR PM BHATT for Petitioner

MR MUKESH PATEL, AGP for Respondents.

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 03/10/97

ORAL JUDGEMENT

Rule.

Mr.Mukesh Patel, learned Assistant Government Pleader waives service of the rule on behalf of respondent nos. 1 to 3. At the request of the parties the matter is taken up for final hearing.

The only grievance which is pressed in this case is that the impugned order dated 8.5.1997 has been passed by the Urban Land Ceiling Tribunal on the ground that no

body had remained present before the tribunal at the time when the case was called out. During the course of argument, Mr.P.M.Bhatt cited a judgment reported in AIR 1987 (Gujarat) Pg.155 [Shivlal Thakershi Gotecha & Others Vs. The Competent Authority & Others ]. The Court in the aforesaid decision held that the matter should be decided on merits even if the parties are not present.

In the facts and circumstances of the present case the impugned order dated 8.5.1997 passed by the Urban Land Ceiling Tribunal is quashed and set aside and the matter is remanded to the tribunal for the decision afresh on merits in accordance with law. This Special Civil Application is allowed to the extent as above and the rule is made absolute in the terms as aforesaid. No order as to costs.

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m.m.bhatt